

1 JESSE LASLOVICH
2 United States Attorney
3 MADISON L. MATTIOLI
4 MT Bar No. 36411284
5 ABBIE J.N. CZIOK*
6 MT Bar No. 55781377
7 Assistant U.S. Attorneys
8 U.S. Attorney's Office
9 901 Front Street, Suite 1100
10 Helena, MT 59626
11 Phone: (406) 457-5269 – Madison
12 (406) 457-5268 – Abbie
13 Fax: (406) 457-5130
14 Email: madison.mattioli@usdoj.gov
15 abbie.cziok@usdoj.gov

16 Attorneys for Defendant
17 United States of America

18 Attorneys for Federal Defendants.

19 **IN THE UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

21 CALIFORNIA COALITION FOR WOMEN
22 PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
23 G.M.; A.S.; and L.T., individuals on behalf of
24 themselves and all others similarly situated,

25 Plaintiffs
26 v.

27 UNITED STATES OF AMERICA FEDERAL
28 BUREAU OF PRISONS, a governmental entity;
BUREAU OF PRISONS DIRECTOR
COLETTE PETERS, in her official capacity;
FCI DUBLIN WARDEN THAHESHA JUSINO,
in her official capacity; OFFICER
BELLHOUSE, in his individual capacity;
OFFICER GACAD, in his individual capacity;
OFFICER JONES, in his individual capacity;
LIEUTENANT JONES, in her individual
capacity; OFFICER LEWIS, in his individual
capacity; OFFICER NUNLEY, in his individual
capacity, OFFICER POOL, in his individual
capacity, LIEUTENANT PUTNAM, in his
individual capacity; OFFICER SERRANO, in
his individual capacity; OFFICER SHIRLEY, in
his individual capacity; OFFICER SMITH, in his
individual capacity; and OFFICER VASQUEZ,
in her individual capacity,

29 Defendants.

30 MARK STEGER SMITH
31 MT Bar No. 4160
32 TIMOTHY A. TATARKA
33 CA Bar No. 277219
34 Assistant U.S. Attorneys
35 U.S. Attorney's Office
36 James F. Battin Federal Courthouse
37 2601 2nd Ave. North, Suite 3200
38 Billings, MT 59101
39 Phone: (406) 247-4667 – Mark
40 (406) 247-4642 – Tim
41 Fax: (406) 657-6058
42 Email: mark.smith3@usdoj.gov
43 timothy.tatarka@usdoj.gov

44 CASE NO. 4:23-CV-04155-YGR

45 **UNITED STATES' ADMINISTRATIVE
46 MOTION FOR *IN CAMERA* REVIEW AND
47 TO FILE DOCUMENT UNDER SEAL**

1 Pursuant to Civil Local Rules 79-5 of the United States District Court for the Northern District of
2 California, the United States of America respectfully requests that it be permitted to file an exhibit to a
3 concurrent filing under seal and that such document be reviewed *in camera*. This document contains
4 highly sensitive information the disclosure of which would be detrimental to operations and security.

5 Good cause exists for this request. As grounds for this administrative motion, the United States
6 has satisfied the requirements of Civil Local Rule 7-10. It requires:

7 (1) a specific statement of the applicable legal standard and the reasons for
8 keeping a document under seal, including an explanation of: (i) the legitimate private or
9 public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and
10 (iii) why a less restrictive alternative to sealing is not sufficient;

11 (2) evidentiary support from declarations where necessary; and

12 (3) a proposed order that is narrowly tailored to seal only the sealable material,
13 and which lists in table format each document or portion thereof that is sought to be
14 sealed. Civil Local Rule 7-10(c).

15 Maintaining the confidentiality of documents with detailed information about prison
16 management and security (1) serves a compelling interest; (2) there is a substantial probability that, in
17 the absence of sealing, this compelling interest would be harmed; and (3) there are no alternatives to
18 sealing that would adequately protect the compelling interest. *See In re Copley Press, Inc.*, 518 F.3d
19 1022, 1028 (9th Cir. 2008). Maintaining the security of prisons is undoubtedly a compelling interest, as
20 the issues of discipline, order, safety, and security in penal institutions are crucial. *Cutter v. Wilkinson*,
544 U.S. 709, 723, (2005); *Warsoldier v. Woodford*, 418 F.3d 989, 998 (9th Cir. 2005) (stating prison
security “clearly is” a compelling state interest).

21 If the document filed under seal and the information in it were disclosed, the interest of prison
22 security would be harmed. Declaration of William W. Lothrop. The content of the exhibit attached to
23 this notice contains highly sensitive information. It relates to the management of FCI Dublin, including
24 details about operational decisions and future planning at the facility. Disclosure of such information to
25 the public, to inmates, and even to opposing counsel would be detrimental to facility management and
26 would increase risk to BOP staff and inmates alike. Lothrop Decl. ¶¶ 3-4.

27 Further, reviewing this document *in camera* is appropriate under the circumstances. The
28

1 information contained in the exhibit is highly sensitive material that should not be disclosed to the public
2 or opposing counsel. Lothrop Decl. ¶¶ 3-4.

3 Sealing the document is the narrowest way to protect such information. Federal Defendants only
4 seek to seal the short exhibit to the notice document.

5 A proposed order is attached that is narrowly tailored to seal this document.

6 Therefore, to ensure the safety of prison employees and inmates, the United States requests that
7 the Court enter an order under Civil Local Rule 79-5 to place Exhibit 1 to the United States' Notice of *ex*
8 *parte* Communication under seal and review the document *in camera*:

Document and Portion of Document to be Sealed	Evidence Offered in Support of Sealing	Ruling
Exhibit 1 to Notice of <i>ex parte</i> Communication	Lothrop Decl.	

12 WHEREFORE, the United States respectfully requests that the Court grant this Administrative
13 Motion and enter the attached proposed order sealing the United States' filing.

14 Dated this 27th day of March, 2024.

15 JESSE A. LASLOVICH
16 United States Attorney

17 /s/ *Abbie J.N. Cziock*
18 ABBIE J.N. CZIOCK
19 MADISON L. MATTIOLI
20 MARK STEGER SMITH
TIMOTHY A. TATARKA
Assistant U.S. Attorneys
Attorneys for Federal Defendants